

TOWN OF NEEDHAM

EXEMPT EMPLOYEE OVERTIME AND SPECIAL DUTY PAYMENT

POLICY #511

1. PURPOSE AND SCOPE

The purpose of this policy is to outline the circumstances in which exempt employees may be authorized to receive overtime compensation or special duty pay.

2. APPLICABILITY

This policy applies to all exempt employees in Town service who are designated as emergency response, or who are assigned special duty work as defined in section 5.2 below, excluding those positions under the supervision and control of the School Committee. Employees whose service is governed by civil service law or collective bargaining agreement are subject only to those portions of this policy which are not specifically regulated by law or agreement.

3. DEFINITIONS

Refer to the Glossary of Terms in the Personnel Policy Manual for commonly used words and phrases.

Compensatory Leave -- Time off in lieu of wages for hours worked in excess of an employee's normally scheduled work hours, per day or per week, depending on work location and collective bargaining agreement.

Emergency Response Employee -- Those employees who are designated as on-call and who respond to emergencies on a regular and recurring basis.

Exempt Employees -- Those employees who are generally excluded from overtime compensation in accordance with the U.S. Fair Labor Standards Act, as determined by the Town Administrator/designee. The three major exemptions include:

Executive: Incumbent manages an agency, department or subdivision, supervises at least two employees, has the authority to hire, fire, or promote (or whose suggestions for such actions are given substantial weight) and who customarily exercises discretionary power.

Administrative: Incumbent performs non-manual office work, directly related to management policies or general business operations, customarily exercises discretion and independent judgment, and regularly and directly assists a person in an executive or administrative capacity, performing work under general supervision.

Professional: Incumbent has advanced learning acquired by a prolonged course of

specialized intellectual instruction, as distinguished from general academic education or training; or performs original, inventive work depending primarily on invention, imagination, or talent; or performs teaching or instruction; and consistently exercises discretion and judgment. The work product of Professional employees is predominantly intellectual.

Non-exempt Employees -- Those employees who are entitled to receive overtime compensation in accordance with the U.S. Fair Labor Standards Act, as determined by the Town Administrator/designee.

Overtime -- Approved hours worked in excess of scheduled hours per week, or in excess of the employee's normally scheduled work day, depending on work location or collective bargaining agreement.

Overtime Payment -- That payment of time and one half an employee's regular rate of pay for approved hours worked in excess of forty (40) hours per week, or the employee's normally scheduled work day, whichever is appropriate.

Straight-time "Overtime" Payment -- That payment of an employee's regular rate of pay for hours worked in excess of his/her normal work week, up to and including forty (40) hours per week.

4. POLICY

Supervisory, professional, and administrative personnel who are classified in exempt positions have an obligation which goes beyond fixed work schedules, and they shall not be paid for overtime work except in exceptional circumstances and with prior approval. It is the policy of the Town of Needham to allow overtime payment for exempt employees who have been designated as emergency response employees, and to allow special duty pay for exempt employees whose work assignments meet the criteria outlined in section 5.2.1 below.

5. PROCEDURES

5.1 Emergency Response Overtime Payment

- 5.1.1 Overtime may be paid to exempt employees who have been designated as emergency response employees, in advance and in writing, by the Town Administrator.
- 5.1.2 Authorization of emergency response status will include the specific types of responses which will qualify for overtime payment, such as snow plowing/removal operations, water and sewer main or service breaks, hurricane debris collection, or other health or safety related services.
- 5.1.3 Emergency response overtime will only be authorized during situations which have been designated as a qualifying emergency operations by the appointing authority/designee.

- 5.1.4 For employees classified in management grades (M-1 through M-5), emergency response overtime will only be authorized at straight time, and when the employee's consecutive service exceeds 16 hours (retroactive to the first hour of emergency service in excess of 40 hours).
- 5.1.5 In exceptional circumstances, the Town Administrator may approve overtime payment for employees who participate in a qualifying emergency operation who were not previously designated as emergency response employees.

5.2 Special Duty Assignments

- 5.2.1 Special duty pay may be paid to exempt employees whose unusual work assignments are related to the health and safety of the community, are likely to be transitional in nature, and meet one or more of the following criteria:
 - X the incumbent manages a department or a facility which is experiencing an extraordinary situation or event.
 - X the assignment is mandated by regulatory requirements and no other practical solution is possible in the short-term.
 - X the nature of the operation requires a set, non-flexible work schedule in excess of the traditional minimally expected work hours.
 - X other extraordinary circumstances beyond the control of the department or the town necessitate an extraordinary work assignment.
- 5.2.2 Special duty pay must be authorized for a specific period of time, in advance and in writing, by the Town Administrator.
- 5.2.3 Special duty payments will be calculated as a percentage of base pay and will be paid on a weekly or quarterly basis.
- 5.2.4 The Town Administrator shall provide a report to the Personnel Board outlining the amount of and the basis for the special duty pay assignment in each case in which special duty pay is authorized.
- 5.2.5 Employees classified in management grades are not eligible for special duty pay.

5.3 Compensatory Leave

Recording or banking of compensatory leave will not be authorized for exempt employees.

6. DISCRETIONARY PAYMENT

The payment of emergency response overtime and special duty pay to exempt employees is

discretionary, and payment for one emergency operation shall not create a precedent future operations. Payment of overtime or special duty pay to exempt employees shall not affect their exempt status.

CLASS TITLE**STATUS**

Assistant to Town Administrator	Non-Exempt
Assistant Town Engineer	Exempt/Professional
Activity Instructor	Exempt/Seasonal
Administrative Assessor	Exempt/Executive
Administrative Assistant	Non-Exempt
Administrative Coordinator	Non-Exempt
Administrative Specialist	Non-Exempt
Animal Control Officer	Non-Exempt
Animal Inspector	Stipend
Assistant Administrative Assessor	Non-Exempt
Assistant Cataloger	Non-Exempt
Assistant Children=s Librarian	Non-Exempt
Assistant, Council on Aging	Non-Exempt
Assistant Director of Emergency Management	Stipend
Assistant Director, Park and Recreation	
Exempt/Administrative/Executive	
Assistant Director of Public Library	Exempt/Professional
Assistant Program Coordinator (PT)	Non-Exempt
Assistant Program Coordinator	Non-Exempt
Assistant Superintendent	Exempt/Executive
Assistant Superintendent, Fire Alarm	Non-Exempt
Assistant Town Administrator/Personnel Director	Exempt/Executive
Assistant Town Clerk	Non-Exempt
Assistant Treasurer/Collector	Exempt/Administrative
Associate Director, Council on Aging	
Exempt/Administrative/Executive	
Building Construction and Renovation Manager	Exempt/Executive
Building Custodian	Non-Exempt
Building Inspector, Substitute	Non-Exempt
Building Monitor	Non-Exempt
Canvasser	Non-Exempt
Carpenter	Non-Exempt
Chief Pumping Station Operator	Non-Exempt
Children=s Supervisor	Exempt/Professional
Circulation Supervisor	Non-Exempt
Clerk	Non-Exempt
Code Enforcement Officer	Non-Exempt
Committee Secretary	Non-Exempt
Computer Operator	Non-Exempt
Conservation Officer	Non-Exempt
Council on Aging, Executive Director	Exempt/Executive
Craftsman	Non-Exempt
Department Assistant 2	Non-Exempt
Department Assistant 1	Non-Exempt

Department Specialist	Non-Exempt
Deputy Fire Chief	Exempt/Executive
Deputy Fire Chief, Operations	Exempt/Executive
Director, Management Information Systems	Exempt/Executive
Director of Emergency Management	Stipend
Director of Finance	Exempt/Executive
Director of Municipal Building Maintenance	Exempt/Executive
Director of Parks & Recreation	Exempt/Executive
Director of Public Health	Exempt/Executive
Director of Public Library	Exempt/Executive
Director of Public Works	Exempt/Executive
Director of Veteran=s Services	Exempt/Executive
Director of Youth Services	Exempt/Executive
Division Superintendent, Highway	Exempt/Executive
Division Superintendent, Parks	Exempt/Executive
Division Superintendent, Water & Sewer	Exempt/Executive
DPW Director of Administrative Services	Exempt/Administrative
Election Clerk	Non-Exempt
Election Inspector	Non-Exempt
Election Warden	Non-Exempt
Electrician	Non-Exempt
Environmental Health Agent	Non-Exempt
Equipment Mechanic 1	Non-Exempt
Equipment Mechanic 2	Non-Exempt
Finance Committee, Executive Secretary	Exempt/Administrative
Fire Captain	Non-Exempt
Fire Chief	Exempt/Executive
Firefighter	Non-Exempt
Fire Lieutenant	Non-Exempt
Garage and Equipment Supervisor	Exempt/Executive
General Maintenance	Non-Exempt
Heavy Motor Equipment Operator 1	Non-Exempt
Heavy Motor Equipment Operator 2	Non-Exempt
HVAC Technician	Non-Exempt
Inspector of Buildings	Exempt/Executive
Inspector of Plumbing and Gas	Non-Exempt
Inspector of Wires	Non-Exempt
Junior Building Custodian	Non-Exempt
Junior Custodian	Non-Exempt
Laborer 1	Non-Exempt
Laborer 2	Non-Exempt
Laborer 3	Non-Exempt
Library Assistant	Non-Exempt
Library Assistant (PT)	Non-Exempt
Library Page	Non-Exempt
Lineman	Non-Exempt

Local Building Inspector	Non-Exempt
Maintenance Worker/Custodian	Non-Exempt
Management Analyst	Exempt/Administrative
Master Mechanic	Non-Exempt
Nutritionist	Non-Exempt
Outreach Worker, Council on Aging	Exempt/Professional
Parking Clerk	Non-Exempt
Parking Enforcement Attendant	Non-Exempt
Personal Computer Specialist	Non-Exempt
Planning Director	Exempt/Executive/Professional
Plumber	Non-Exempt
Plumbing and Gas Inspector Substitute	Non-Exempt
Police Chief	Exempt/Executive
Police Lieutenant	Exempt/Executive
Police Matron	Non-Exempt
Police Officer	Non-Exempt
Police Sergeant	Non-Exempt
Program Coordinator (PT)	Non-Exempt
Program Coordinator	Exempt/Administrative
Program Manager	Exempt/Executive
Programmer/Computer Operator	Non-Exempt
Public Health Nurse	Exempt/Professional
Public Safety Dispatcher	Non-Exempt
Public Works Craftsworker 1	Non-Exempt
Public Works Craftsworker 2	Non-Exempt
Public Works Inspector	Non-Exempt
Public Works Specialist	Non-Exempt
Pumping Station Operator	Non-Exempt
Recording Secretary	Non-Exempt
Recreation Specialist 1 - 5	Seasonal Recreation
Reference Librarian/Audio Visual Specialist	Exempt/Professional
Reference Supervisor	Exempt/Professional
Registrar of Voters	Exempt/Executive
Sealer of Weights of Measurers	Non-Exempt
Seasonal Packers/Drivers	Non-Exempt
Senior Administrative Coordinator	Non-Exempt
Senior Building Custodian	Non-Exempt
Senior Custodian	Non-Exempt
Senior Drafter	Non-Exempt NR-2
Senior Program Manager	Exempt/Executive/Professional
Senior Systems Analyst	Exempt/Administrative
Social Worker	Exempt/Professional
Special Maintenance	Non-Exempt
Student Draftsman and Rodman	Non-Exempt
Student Intern 1 - 4	Non-Exempt
Supervisor of Custodial Services	Exempt/Executive

Survey Party Chief	Non-Exempt
Systems Analyst	Exempt/Professional
Technical Services Supervisor	Exempt/Professional
Temporary Laborer	Seasonal
Town Comptroller	Exempt/Executive
Town Counsel	Exempt/Professional
Town Engineer	Exempt/Professional
Town Treasurer and Tax Collector	Exempt/Executive
Trades Assistant	Non-Exempt
Traffic Supervisor	Non-Exempt
Tree Climber	Non-Exempt
Warehouse Person	Non-Exempt
Water Treatment Facility Manager	Exempt/Executive
Weighmaster	Non-Exempt
Wiring Inspector Substitute	Non-Exempt
Working Foreman	Non-Exempt
Youth Center Worker 1 - 5	Non-Exempt

